

REMARKS

In the Examiner's Answer dated October 13, 2010, claims 6, 8, 51-58, 74-96 and 114-128 were identified as allowable; and claims 3-5, 24-25, 27-29, 31, 43, 64-66 and 70 were objected to as being dependent upon a rejected claim, but indicated as containing allowable subject matter. Therefore, applicant has cancelled these claims from this application and has concurrently filed a Continuation application to pursue these allowable claims.

In a first telephone interview with the Examiner on September 22, 2010, the Examiner stated to appellant's counsel that claim 8 included allowable subject matter. By email dated September 28, 2010, appellant's counsel responded to the Examiner and informed him that appellant would not limit all independent claims to include the subject matter of claim 8, and thus appellant would proceed with appeal.

In a telephone interview with the Examiner on November 15, 2010, the appellant's attorney described an apparent typographical error on page 30 of the Examiner's Answer, which stated that claims 74-89, 90-96 and 114-128 were "**not**" allowable; this term should have be "**now**" allowable, consistent with other statements in the Answer. The Examiner confirmed that he had allowed claims as described in the Answer.

Claims 9-21, 34-40, 44-50 and 97-113 were previously withdrawn as directed to non-elected subject matter, and appellant formally cancels these claims herein. Claim 7 was previously cancelled.

Applicant is also concurrently filing a Reply Brief addressed to the remaining pending claims on appeal.

Prompt entry of the amendment to cancel claims is requested, along with favorable consideration of applicant's Reply Brief.

Respectfully submitted,

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